



SPECIAL PROVISIONS

FOR CONSTRUCTION ON STATE HIGHWAY

IN SAN BERNARDINO COUNTY
IN SAN BERNARDINO
ON ROUTE 215 FROM 0.2 km SOUTH of REDLANDS LOOP OVERHEAD
TO 0.7 km NORTH of 16TH STREET OVERCROSSING
ON ROUTE 66 FROM 0.3 km WEST
TO 0.2 km EAST of ROUTE 66/ROUTE 215 SEP
AND ON ROUTE 259 FROM 0.1 km NORTH of BASELINE STREET
OVERCROSSING
TO HIGHLAND AVENUE OVERCROSSING

Volume II of III

Contract No. C09-196

For Use in Connection with State of California, Department of Transportation Standard Specifications DATED JULY 1999, Standard Plans DATED JULY 2004 and Labor Surcharge And Equipment Rental Rates

San Bernardino Associated Governments
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May 8, 2009

Federal/Local Projects No.: ESPLN-6053(080) PNRSCML-6053(081)

Federal EA: 08-0071V8L Local EA: 08-0071V4

ADDENDA INCLUDED

SECTION 3 AWARD AND EXECUTION OF CONTRACT (Issued 11-21-08)

Replace Section 3 with: SECTION 3 CONTRACT AWARD AND EXECUTION

3-1.01 SCOPE

Section 3, "Contract Award and Execution," includes specifications related to contract award and execution.

3-1.02 CONTRACT AWARD

Submit any bid protest to the Office Engineer.

If the Department awards the contract, the award is made to the lowest responsible bidder within the number of days shown in the following table:

Contract Award Period

| Days | Project Estimated Cost shown in the Notice to Bidders |
|------|---|
| 30 | < \$200 million |
| 60 | ≥ \$200 million |

The Department may extend the specified award period if the bidder agrees.

3-1.03 CONTRACT BONDS (PUB CONT CODE §§ 10221 AND 10222)

The successful bidder must furnish 2 bonds:

- 1. Payment bond to secure the claim payments of laborers, workers, mechanics, or materialmen providing goods, labor, or services under the contract. This bond must be equal to at least 100 percent of the total bid.
- 2. Performance bond to guarantee the faithful performance of the contract. This bond must be equal to at least 100 percent of the total bid.



The Department furnishes the successful bidder with bond forms.

3-1.04 CONTRACTOR LICENSE

For a Federal-aid contract, the Contractor must be properly licensed as a contractor (Pub Cont Code § 10164) from contract award through contract acceptance.

For a non-Federal-aid contract:

- 1. The Contractor must be properly licensed as a contractor from bid opening through contract acceptance (Bus & Prof Code § 7028.15)
- 2. Joint venture bidders must obtain a joint venture license before contract award (Bus & Prof Code § 7029.1)

3-1.05 INSURANCE POLICIES

The successful bidder must submit:

exceeding 5 percent (Iu/Ib is greater than 1.05 or less than 0.95) which occur during performance of the work.

The adjustment in compensation will be determined in conformance with the following formulae when the item of hot mix asphalt are included in a monthly estimate:

- A. Total monthly adjustment = AQ
- B. For an increase in asphalt binder price index exceeding 5 percent:

$$A = 0.90 (1.1023) (Iu/Ib - 1.05) Ib$$



C. For a decrease in asphalt binder price index exceeding 5 percent:

$$A = 0.90 (1.1023) (Iu/Ib - 0.95) Ib$$

D. Where:

- A = Adjustment in dollars per tonne of asphalt binder used to produce hot mix asphalt rounded to the nearest \$0.01.
- Iu = The California Statewide Paving Asphalt Price Index which is in effect on the first business day of the month within the pay period in which the quantity subject to adjustment was included in the estimate.
- Ib = The California Statewide Paving Asphalt Price Index for the month in which the bid opening for the project occurred.
- Q = Quantity in tonnes of asphalt binder that was used in producing the quantity of hot mix asphalt shown under "This Estimate" on the monthly estimate using the amount of asphalt binder determined by the Engineer.

The adjustment in compensation will also be subject to the following:

- A. The compensation adjustments provided herein will be shown separately on payment estimates. The Contractor shall be liable to the State for decreased compensation adjustments and the Department may deduct the amount thereof from moneys due or that may become due the Contractor.
- B. Compensation adjustments made under this section will be taken into account in making adjustments in conformance with the provisions in Section 4-1.03B, "Increased or Decreased Quantities," of the Standard Specifications.
- C. In the event of an overrun of contract time, adjustment in compensation for asphalt binder included in estimates during the overrun period will be determined using the California Statewide Paving Asphalt Price Index in effect on the first business day of the month within the pay period in which the overrun began.

The California Statewide Paving Asphalt Price Index is determined each month on the first business day of the month by the Department using the median of posted prices in effect as posted by Chevron, ExxonMobil, and Union 76 for the Buena Vista, Huntington Beach, and Midway Sunset fields.

In the event that the companies discontinue posting their prices for a field, the Department will determine an index from the remaining posted prices. The Department reserves the right to include in the index determination the posted prices of additional fields.